

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE**

**HARDY AND KELLY LLC,**

**Plaintiff,**

**v.**

**QBE INSURANCE CORPORATION and  
SPECIALTY INSURANCE AGENCY, INC.**

**Defendants.**

**No. 3:11-cv-00155**

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**DEFENDANT QBE INSURANCE CORPORATION'S MOTION TO AMEND  
ANSWER TO PLAINTIFF'S COMPLAINT**

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Comes now Defendant, QBE Insurance Corporation (hereinafter "Defendant QBE"), by and through counsel, pursuant to Rule 15 of the FEDERAL RULES OF CIVIL PROCEDURE, and hereby moves this Court for leave to amend its Answer to Plaintiff's Complaint. In support of this Motion, Defendant QBE states as follows:

This case arises out of an alleged breach of an insurance agreement. (Document Entry 1-1). Plaintiff filed a lawsuit in Davidson County Chancery Court on January 26, 2011. (Document Entry 1-1). Defendants QBE and Specialty Insurance Agency, Inc. (hereinafter "SIA") removed this lawsuit to this Court based on diversity jurisdiction on February 22, 2011. (Document Entry 1). Defendant QBE filed its Answer to Plaintiff's Complaint on March 18, 2011. (Document Entry 11). Now Defendant QBE moves this Court to amend that Answer to the Complaint.

Defendant QBE requests that this Court grant it leave to amend its Answer to include a "wherefore" section at the end of the Answer. The language that Defendant QBE requests to be

added is contained in the proposed Amended Answer that is filed contemporaneously with this motion. This language that Defendant QBE requests to add to its Amended Answer is as follows:

**WHEREFORE**, premises considered, Defendant QBE prays it be dismissed with its costs. Failing dismissal, Defendant QBE requests a jury trial on all issues properly joined by the pleadings and for such other, further, and general relief to which it may be entitled in these premises.

Defendant QBE asserts that this requested Amended Answer is in compliance with the Case Management Order for the amendment of pleadings. Furthermore, Defendant QBE has discussed this proposed amendment with counsel for Plaintiff and has been instructed that Plaintiff does not object to the proposed amendment.

Based on the foregoing, Defendant QBE requests that this Court grant it leave to amend its Answer to Plaintiff's Complaint as stated above and in the proposed Amended Answer that is filed contemporaneously herewith.

Respectfully submitted,

**LEITNER, WILLIAMS, DOOLEY  
& NAPOLITAN, PLLC**

By: s/ Thomas J. Dement II

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Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been forwarded, via the Court's Electronic Case Filing System (CM/ECF) to all parties indicated on the electronic filing receipt or by U.S. Mail, postage prepaid, to:

John Jacobson, Esq.  
Elizabeth Gonser, Esq.  
RILEY WARNOCK & JACOBSON, PLC  
1906 West End Avenue  
Nashville, Tennessee 37203

This the 5<sup>th</sup> day of July, 2011.

By: s/ Thomas J. Dement II  
**Thomas J. Dement II**